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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,197	08/16/2000	William P. Davis	12152US01	3232

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 11/17/2001

#3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/640,197

Applicant(s)
DAVIS

Examiner
James O. Hansen

Art Unit
3636



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 20, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 20) ☐ Other:

Art Unit: 3636

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 is misdescriptive of the embodiments depicted in Figures 1-2, since it is not clear how an infrared data transmitter [viewed as reference 55] can be both "within the enclosure" and "extending outside the enclosure" as stipulated in independent claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.
4. Claims 1-9, 11-13 & 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Engler. Engler (figures 1-2) teaches of a data protection device comprising: an enclosure (4) having at least one wall (16) and a closable opening (opening closed by a door 40), the enclosure capable of protecting at least one data storage device (60) from a fire (view title); at least one

Art Unit: 3636

electrical connector and at least one data transmitter (both represented by 80 - see col. 8, lines 45-46) within the enclosure respectively, for providing power to the inside of the enclosure and a data link between the inside and outside of the enclosure. The data storage device being continuously connected to a power source and a data source via the cables (80). As to claims 11-13 & 15-20, Engler teaches applicant's basic inventive claimed concept as structurally disclosed above, but does not specifically state a "method" of protecting a data storage device. However, the normal use or assembly of Engler's structure would inherently encompass the steps as set forth as readily apparent to the examiner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 14 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engler in view of Applicant's Prior Art Admission [known hereafter as APAA] as disclosed on page 5, lines 20-23. Engler teaches applicant's basic inventive claimed concept as disclosed above, but does not show the at least one data transmitter as utilizing infrared technology. However, on page 5, lines 20-23, applicant has disclosed that an "infrared communications link, such as one well known in the art" may be substituted for the data cord. It would have been obvious to a

Art Unit: 3636

person of ordinary skill in the art at the time the invention was made to replace a material [physical] link [a cord for example] with an invisible [non-physical] link [a radio wave for example] since it was known in the art [common knowledge] that infrared transmission between a source and remote destination eliminates the conventional hard wiring normally required.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Faber, Canadian patent no. 900,551, Wenning et al., and Cann describe enclosures with means to convey power/signals in and out of the structure. Pihl et al., describes an electronic data security apparatus.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2168. Fax numbers for Official Papers are as follows: (703) 305-3597 & (703) 305-7687. The unit fax phone number for Unofficial Papers is as follows: (703) 308-3691.



James O. Hansen
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Technology Center 3600

JOH
November 15, 2001